



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,232	05/25/2001	Dale Lowry	26530.57	3311
27683	7590	10/06/2004	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			TRAN, PHILIP B	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,232

Applicant(s)

LOWRY ET AL.

Examiner

Philip B Tran

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21,25-29 and 33-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21,25-29 and 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 35 is rejected under 35 U.S.C 102(e) as being anticipated by Monday, U.S. Pat. No. 6,480,860.

Regarding claim 35, Monday teaches a method for parsing in a distributed directory-enabled application environment using an extensible Markup Language ("XML") application program interface, the interface including a class factory, comprising parsing an XML input file to identify an object, determining whether the object references a system service [see Col. 3, Lines 16-25 and Col. 7, Lines 21-41], if referenced and not loaded, dynamically loading the service and dynamically configuring the service (i.e., if data type definition DTD is available then bridging or binding objects by identifying and invoking data access component corresponding to data request) [see Fig. 4 and Col. 7, Lines 42-67], and instantiating the object in the class factory, so that the service referenced by the object in the XML stream is automatically available to the object (i.e., inputting XML document request, then parsing data request and bridging or

binding objects for outputting) [see Figs. 2-4 and Abstract and Col. 7, Line 4 – Col. 8, Line 28 and Col. 9, Line 38 – Col. 10, Line 14].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 21, 26-28 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monday, U.S. Pat. No. 6,480,860 in view of Lee et al (Hereafter, Lee), U.S. Pat No. 6,480,865.

Regarding claim 21, Monday teaches a method for parsing in a distributed directory-enabled application environment using an eXtensible Markup Language ("XML") application program interface, the interface including a class factory, the

method comprising accepting an XML file as an input stream, parsing the input stream, scanning the input stream for an object, determining whether the object references a system service [see Col. 3, Lines 16-25], determining whether the service is accessible to the system and loaded (i.e., determining if data type definition is existed for the requested data type) [see Col. 7, Lines 21-41], dynamically loading the service if referenced, accessible, and not loaded, dynamically configuring the service (i.e., if data type definition DTD is available then bridging or binding objects by identifying and invoking data access component corresponding to data request) [see Fig. 4 and Col. 7, Lines 42-67], and instantiating the object in the class factory, so that the service referenced by the object in the XML stream is automatically available to the object (i.e., inputting XML document request, then parsing data request and bridging or binding objects for outputting) [see Figs. 2-4 and Abstract and Col. 7, Line 4 – Col. 8, Line 28 and Col. 9, Line 38 – Col. 10, Line 14].

Monday does not explicitly teach defaulting the object to a document object model during instantiation in the class factory if the service is not accessible. However, Lee, in the same field of processing an XML document endeavor discloses doing other processing and looping back tree object with instantiation in Java class [see Figs. 1-2 and Col. 10, Lines 35-67]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to default the object to a document object model because it would have enabled instantiation of object class for invoking data objects.

Regarding claim 26, Monday further teaches the method of claim 21 further including scanning the input stream for a plurality of objects. It is inherent that scanning input stream is performed before parsing step is carried out [see Col. 5, Lines 18-24 and Col. 7, Lines 4-30].

Regarding claim 27, Monday further teaches the method of claim 21 further including accepting a plurality of XML files as the input stream [see Figs. 2-4].

Claim 28 is rejected under the same rationale set forth above to claim 21. In addition, Monday further teaches at least one processor (110), at least one memory accessible to the processor (120), an application stored in a portion of the memory (124), and software for parsing an XML file for the application (i.e., bridge software 125) [see Fig. 1]

Claims 33-34 are rejected under the same rationale set forth above to claims 26-27.

Allowable Subject Matter

5. Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Other References Cited

6. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

- A) Hyman et al, U.S. Pat. No. 6,446,256.
- B) Claussen et al, U.S. Pat. No. 6,732,330.
- C) Thompson et al, Pat. No. 6,571,253.
- D) Burkett et al, U.S. Pat. No. 6,635,089.

7. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTHS, OR THIRTY DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (703) 308-8767.

The fax phone number for this Group is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached on (703) 308-6662.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Philip Tran

Philip Tran
Art Unit 2155
Sept 29, 2004